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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of decision: 11th September, 2024***
+ **CM(M) 3372/2024 & CM APPL. 52946/2024**

BHOOMA DEVI

.....Petitioner

Through: Mr. S Vinod with Mr. Uday Arora,
Advocates.

versus

JANKI DEVI

.....Respondent

Through: Ms. Shalini Sharma, Advocate with
respondent in person.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner herein is defending a civil suit and on 24.07.2024, the matter was listed for further cross-examination of DW-1 but defendant (petitioner herein) sought adjournment claiming that she wanted to engage a new counsel.
2. Keeping in mind the opportunities already granted to the defendant and not coming forward with any justifiable reason, further opportunity to conclude evidence was declined and DE was closed.
3. Such order is under challenge.
4. Learned counsel for respondent (plaintiff) has contended that on various previous occasions, sufficient indulgence had been given to the defendant and no compelling reason was cited which could have persuaded the learned Trial Court to have accommodated her.



5. However, after hearing arguments for some time, learned counsel for respondent states that, without prejudice to her rights and contentions, she would have no objection if one last and final opportunity is granted to the petitioner herein, subject to cost.
6. The matter is reportedly, fixed today only before the learned Trial Court for hearing arguments.
7. Keeping in mind the overall facts of the case and gracious concession given by the learned counsel for respondent herein, the petition is disposed of with direction that the petitioner i.e. defendant- Bhooma Devi would make herself available for cross-examination and it will be her sole responsibility to arrange for approved translator in terms of the specific order passed by the learned Trial Court on 28.03.2024.
8. Both the sides would take a suitable date in this regard from the learned Trial Court and learned Trial Court, keeping in mind its board position and after ascertaining the convenience of both the sides, would give a date, preferably this month, for said examination.
9. For causing delay in the matter, petitioner is also burdened with a cost of Rs. 10,000/- which she would clear within one week from today.
10. Petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 11, 2024/sw